

### SAILING DIRECTIONS CORRECTIONS

**PUB 127                      6 Ed 2000                      LAST NM 18/01**

Page 5—Line 32/L; read:

**Pilotage.**—Pilotage is compulsory, except for vessels exempted by law, and is available 24 hours for any vessels over 35m in length and/or over 350 grt. Vessels should send their ETA and request for pilots at least 24 hours in advance to the Harbor Master. Pilots board vessels in position 38°20.09'S, 141°39.84'E. The pilot launch is equipped with VHF radiotelephone.

(BA NM 27/01) 33/01

**PUB 191                      9 Ed 2000                      LAST NM 31/01**

Page 116—Lines 37 to 57/R; read:

complex extends from Gravelines to the old town of Dunkerque, about 10 miles E.

The port of Dunkerque has two harbors, Port Ouest and Port Est, with their entrances 6 miles apart. These harbors are linked internally by a canal and to seaward by Chenal Intermediaire.

Dunkerque is connected to the French and Belgian canal networks.

(NIMA) 33/01

Page 117—Lines 1 to 58/L; strike out.

(NIMA) 33/01

Page 117—Lines 1 to 10/R; strike out.

(NIMA) 33/01

Page 117—Lines 12 to 30/R; read:

The tides rise about 6m at MHWS and 5m at MHWN.

In the area of the off-lying banks, the tidal currents are more or less reciprocal in direction and follow the line of the main channels. In the vicinity of the harbor entrances the current turns away from the land at the end of the flood and turns toward the land at the end of the ebb.

The tidal currents off Dunkerque attain their maximum rate of about 2.5 knots where the banks are close together. They are weaker to the E, attaining rates of 1.5 to 2 knots off Bray-Dunes, and to the W, attaining rates of 1.7 to 2.2 knots off Gravelines.

Off Gravelines and Port Est, the E-going flood current attains its maximum rate about the time of local HW and the W-going ebb current attains its maximum rate about 5 hours before local HW.

The duration of slack water off Dunkerque is about 15 minutes. It may be reduced to 10 minutes during W winds and increase to 20 minutes during E winds. Slack water occurs 2 hours before and 4 hours after local HW.

Generally, the duration of the flood current is appreciably less than the duration of the ebb current and it is probably stronger.

The times and strengths of the tidal currents may differ significantly due to meteorological conditions. At springs, the predicted strength of the tidal currents may be exceeded by 25 percent. At neaps, the predicted strength of the tidal currents may be exceeded by as much as 40 percent. The timing of slack water may also vary by as much as 2 hours.

Winds from NE may reduce the predicted tidal height by up to 0.3m while winds from other directions may increase the height by up to 0.5m.

Two buoys, which indicate the direction of the tidal current, are moored 0.9 mile WNW of the head of Port Ouest W jetty and 0.4 mile WNW of the head of Port Est W jetty. Viewed from N these buoys show a black side by day and a white light over an orange light at night when the E-going flood current is running. They show a white side by day and two white lights at night when the W-going ebb current is running.

(Fr SD C2.1; BA NP 28) 33/01

Page 117—Lines 32 to 54/R; read:

**Port Ouest.**—Port Ouest is protected by two angled jetties which form an entrance, 450m wide. It consists of an Avant-port, 1 mile long, and Bassin de l'Atlantique, a large tidal basin.

The entrance channel, leading SE into Avant-port from Passe de l'Ouest, is dredged to a depth of 20m. The dredged depth reduces to 19m within Avant-port and to 17m within Bassin de l'Atlantique.

Flandres Fuel Terminal is situated at the W side of Avant-port. It consists of a finger pier extending from the W jetty and has a depth of 23m alongside. Tankers up to 300,000 dwt, 360m in length, 60m beam, and 20.5m draft have been accommodated.

Quai de Flandre, situated at the SE side of Bassin de l'Atlantique, is used by container and ro-ro vessels. It is 600m long and has a depth of 13.3m alongside. Vessels up to 12.5m draft can be accommodated alongside.

Darse de la Manche is connected to the NE side of Bassin de l'Atlantique. Quai de Lorraine, situated on the S side, provides 490m of berthage at the W end, with a depth of 13.3m alongside, and 260m of berthage at the E end, with a depth of 7m alongside. It is used by container, ro-ro, and passenger vessels.

Both Quai de Flandre and Quai de Lorraine are collectively known as Port Rapide. Movements in Port Rapide are unrestricted day or night.

Quai d'Alsace and Quai de Ramsgate, situated at the E side of Darse de la Manche, have depths of 7 to 8m alongside. They provide passenger, rail, and freight facilities for the cross-channel ferries. Vessels up to 7m draft can be handled.

Western Bulk Terminal, with 870m of total quayage, is situated on the SW side of Bassin de l'Antique. Berth No. 1 (Quai a Pondereux Ouest), at the N end, is 350m long and has a depth of 23m alongside. Berth No. 2 is 295m long and has a depth of 15m alongside. Berth No. 3, at the S end, is 225m long and has a depth of 13m alongside. Bulk vessels

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up to 180,000 dwt and 18m draft can be accommodated alongside at this terminal.

Canal des Dunes, with a depth of 3.5m, connects Bassin de Mardyck in Port Este to Darse de la Manche in Port Ouest. It is mostly used by small craft and barges.

**Port Est.**—Port Est, protected by two jetties, is entered directly from Rade de Dunkerque. It consists of an Avant-port and a number of enclosed wet basins.

Avant-port and the approach to Ecluse Charles de Gaulle, the main lock, are dredged to a depth of 13.5m.

Port d'Echouage, a tidal basin, is connected directly to the E side of Avant-port by a channel dredged to a depth of 5m. It is used by fishing vessels and pleasure craft.

Ecluse Trystam, a lock, is situated on the W side of Port d'Echouage and leads into the E part of Bassins de Freycinet. It has a usable length of 150m, a usable width of 22m, and a depth of 4.5m over the sill. This lock is used when the Ecluse Watier lock is occupied or for pleasure craft during weekends.

Ecluse Watier, a lock, is situated at the S side of Avant-port and approached through a channel dredged to a depth of 8m. It leads into the W part of Bassins de Freycinet. This lock has a usable length of 230m, a usable width of 32m, and a depth of 8m over the sill.

Bassin de Freycinet consists of six smaller basins, which are separated by piers. A passage, 26m wide and spanned by a swing bridge, divides the two SE most basins from the remaining four. These basins provide a total of 50 berths, with depths of 6.7 to 12.8m alongside. The piers are fronted by quays, 114 to 406m long. Vessels up to 250m in length and 12m draft can be accommodated.

Three small inner basins, which are used by fishing vessels and small craft, are connected to the SE side of Bassin de Freycinet by a narrow passage.

Ecluse Charles de Gaulle, the main lock, is entered at the W side of Avant-port. It is 364m long and 47.5m wide, with a depth of 13.5m over the sill. This lock is operational at all times. Vessels up to 289m in length, 45m beam, and 14.2m draft can be accepted by day, in favorable conditions.

This lock leads into Bassin d'Evitage, a turning area dredged to a depth of 13.2m. Bassin d'Evolution is entered at the SE side of the turning area and leads into the W end of Bassin de Freycinet. Bassin Maritime is entered at the W side of the turning area and leads to Bassin de Mardyck, 2.8 miles WSW.

An oil terminal, fronting a refinery, is situated on the S side of Bassin d'Evolution. It can handle tankers up to 245m in length and 12.5m draft.

Bassin Maritime, with a swinging area at its W end, has a general dredged depth of 12m.

A grain terminal berth, 195m long, is situated at the E end Bassin Maritime and has a depth of 14.5m alongside. It is capable of accepting vessels up to 250m in length and 14.2m draft.

Quai Usinor, situated close W of the grain terminal, provides six bulk berths, with alongside depths of 8 to 17m. A T-shaped quay, 720m long, is situated close W of Quai Usinor and handles heavy bulk commodities.

Quai de Grand Synthe, 590m long, is situated at the W end of the Bassin Maritime. It is capable of accepting vessels up to 80,000 dwt and 14.2m draft.

A tanker terminal, situated on the SW side of Bassin de Mardyck, has depths up to 16.2m alongside. It is capable of accepting vessels up to 275m in length and 14.2m draft.

Stoknord Petrochemical Wharf, situated W of the tanker terminal, handles chemical tankers and gas carriers. It is capable of accepting vessels up to 100,000 dwt, 280m in length, and 14.2m draft.

An ore terminal berth, 642m long, is situated at the E side of Bassin de Mardyck and has a depth of 12m alongside. It is capable of accepting vessels up to 11.3m draft.

Dunkerque (Port Ouest and Port Est) provides extensive facilities for bulk, container, oil, ro-ro, rail, LPG, passenger, chemical, general cargo, fishing, and ferry vessels. The port also has repair facilities. A drydock, situated at the N side of Bassin de Freycinet, is 310m long and 50m wide. It can accommodate vessels up to 289m long, 45m beam, and 6.5m draft.

Vessels up to 300,000 dwt, 360m in length, 60m beam, and 20.5m draft have been accommodated in Port Ouest. Generally, vessels over 300m in length can enter only by day.

Vessels up to 120,000 dwt, 289m in length, 45m beam, and 14.2m draft have been accommodated in Port Est. Generally, vessels over 250m in length and 40m beam can enter only by day. The preferred time for vessels over 180m in length and 10m draft to enter is at slack water at the jetty heads, which is either about 3 hours before HW or 2 hours after, depending on the weather conditions and the tidal predictions. Such vessels have priority over other commercial vessels, which may enter and leave at any time.

(Fr SD C2.1; BA NP 28; Lloyds Ports) 33/01

Page 118—Lines 1 to 58/L; strike out.

(NIMA) 33/01

Page 118—Lines 1 to 13/R; strike out.

(NIMA) 33/01

Page 118—Lines 15 to 43/R; read:

**Port Ouest.**—Lighted ranges, which may best be seen on the chart, indicate the entrance channel leading into Port Ouest. They consist of high intensity sector lights. A directional sector light, situated at the S end of the basin, indicates the fairway within Bassin de l'Atlantique.

Conspicuous landmarks in the vicinity of Port Ouest include the nuclear power station, previously described in paragraph 6.20; the light structure, 23m high, standing at the head of the E jetty; a group of silos standing at the W side of Bassin de l'Atlantique; and the container gantry cranes situated in the vicinity of Quai de Lorraine.

**Port Est.**—Lighted ranges, with a common rear light, indicate the limits of the entrance channel leading into Port Est and may best be seen on the chart.

The head of the W jetty is faced with two white-painted panels, which are illuminated at night. The E jetty, which is partly submerged at HW, is marked by reflectors. A

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prominent light structure, 36m high, stands on the head of the W jetty.

A main light is shown from a conspicuous tower, 56m high, standing 0.8 mile SE of the head of the E jetty, close NW of Ecluse Trystam lock.

Conspicuous landmarks in the vicinity of Port Est include a casino situated on the foreshore at Malo-les-Bains, about 1 mile E of the main light; a building, 85m high, standing 0.8 mile SE of the main light, at the S end of Port d'Echouage; and a prominent chimney, 110m high, standing near the power station, about 0.9 mile SW of the head of the W jetty.

(Fr SD C2.1; BA NP 28)

33/01

**COAST PILOT CORRECTIONS**

**COAST PILOT 3                      34 Ed 1999                      Change No. 17  
LAST NM 21/01**

Page 127—Paragraph 39, lines 4 to 5; read:

and therefore are not charted. In February 2001, the controlling depth was 4.9 feet (5.1 feet at midchannel) in the entrance between the...

(BP 173903)

33/01

Page 179—Paragraph 102, lines 3 to 5; read:

craft, and petroleum barges. In July 2000, the controlling depth was 12.0 feet in the dredged channel to the head of the project, except for a depth of 11.5 feet in the right outside quarter channel edge about 0.18 mile from the channel entrance. Fuel, supplies, and slips are available, and repairs can be...

(BPs 173276-77)

33/01

Page 228—Paragraph 32, lines 7 to 12; read:

of the creek. In May-June 2000, the controlling depths were 8 feet in the south half with shoaling to 5.9 feet in the north half to Daybeacon 3, thence 8.6 feet (10.0 feet at midchannel) to the anchorage basin, thence 8.6 feet (9.2 feet at midchannel) for about 0.25 mile above the anchorage basin in North Branch, thence 3.2 feet (5.4 feet at midchannel) in Central Branch to the first bridge, thence 4.7 to 6.0 feet in the anchorage basin. The mean range...

(BPs 173271-75)

33/01

**COAST PILOT 5                      28 Ed 2000                      Change No. 21  
LAST NM 30/01**

Page 42—Paragraphs 226 to 233; read:

Block 134 *Official Protraction Diagram NG15-02 (Garden Banks)*

That portion of the block north of a line connecting a point on the east boundary of Block 134, X=1,378,080.00', Y=10,096,183.00', with a point on the west boundary of Block 134, X=1,367,079, 385', Y=10,096,183,000', defined under the Universal Transverse Mercator grid system.

Block 135 *Official Protraction Diagram NG15-02 (Garden Banks)*

That portion of the block northwest of a line connecting the southeast corner of Texas Leasing Map No. 7C, Block A-398, X=1,383, 293, 840', Y=10,103,281,930', with a point on the west boundary of Official Protraction Diagram NG15-

02, Block 135, X=1,378,080,000', Y=10,096,183,000', defined under the Universal Transverse Mercator grid system.

**Subpart P—Florida Keys National Marine Sanctuary****§922.160 Purpose.**

(a) The purpose of the regulations in this subpart is to implement the comprehensive management plan for the Florida Keys National Marine Sanctuary by regulating activities affecting the resources of the Sanctuary or any of the qualities, values, or purposes for which the Sanctuary is designated, in order to protect, preserve and manage the conservation, ecological, recreational, research, educational, historical, and aesthetic resources and qualities of the area. In particular, the regulations in this part are intended to protect, restore, and enhance the living resources of the Sanctuary, to contribute to the maintenance of natural assemblages of living resources for future generations, to provide places for species dependent on such living resources to survive and propagate, to facilitate to the extent compatible with the primary objective of resource protection all public and private uses of the resources of the Sanctuary not prohibited pursuant to other authorities, to reduce conflicts between such compatible uses, and to achieve the other policies and purposes of the Florida Keys National Marine Sanctuary and Protection Act and the National Marine Sanctuaries Act.

(b) Section 304(e) of the NMSA requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon completion of the five year review of the Sanctuary management plan and regulations, the Secretary will repropose the regulations in their entirety with any proposed changes thereto, including those regulations in subparts A and E of this part that apply to the Sanctuary. The Governor of the State of Florida will have the opportunity to review the repropose regulations before they take effect and if the Governor certifies such regulations as unacceptable, they will not take effect in State waters of the Sanctuary.

**§922.161 Boundary.**

The Sanctuary consists of an area of approximately 2900 square nautical miles (9,800 square kilometers) of coastal and ocean waters, and the submerged lands thereunder, surrounding the Florida Keys in Florida. Appendix I to this subpart sets forth the precise Sanctuary boundary.

**§922.162 Definitions.**

(a) The following definitions apply to the Florida Keys National Marine Sanctuary regulations. To the extent that a definition appears in 922.3 and this section, the definition in this section governs.

*Acts* means the Florida Keys National Marine Sanctuary and Protection Act, as amended, (FKNMSPA) (Pub. L. 101-605), and the National Marine Sanctuaries Act (NMSA), also known as Title III of the Marine Protection, Research, and Sanctuaries Act, as amended, (MPRSA) (16 U.S.C. 1431 et seq.).

*Adverse effect* means any factor, force, or action that independently or cumulatively damages, diminishes, degrades,

**COAST PILOT 5 (Continued)**

impairs, destroys, or otherwise harms any Sanctuary resource, as defined in section 302(8) of the NMSA (16 U.S.C. 1432(8)) and in this section, or any of the qualities, values, or purposes for which the Sanctuary is designated.

*Airboat* means a vessel operated by means of a motor driven propeller that pushes air for momentum.

*Areas To Be Avoided* means the areas in which vessel operations are prohibited pursuant to section 6(a)(1) of the FKNMSPA (see §922.164(a)). Appendix VII to this subpart sets forth the geographic coordinates of these areas, including any modifications thereto made in accordance with section 6(a)(3) of the FKNMSPA.

*Closed* means all entry or use is prohibited.

*Coral* means the corals of the Class Hydrozoa (stinging and hydrocorals); the Class Anthozoa, Subclass Hexacorallia, Order Scleractinia (stony corals) and Antipatharia (black corals).

*Coral area* means marine habitat where coral growth abounds including patch reefs, outer bank reefs, deepwater banks, and hardbottoms.

*Coral reefs* means the hard bottoms, deep-water banks, patch reefs, and outer bank reefs.

*Ecological Reserve* means an area of the Sanctuary consisting of contiguous, diverse habitats, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, intended to minimize human influences, to provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Sanctuary. Appendix IV to this subpart sets forth the geographic coordinates of these areas.

*Existing Management Area* means an area of the Sanctuary that is within or is a resource management area established by NOAA or by another Federal authority of competent jurisdiction as of the effective date of these regulations where protections above and beyond those provided by Sanctuary-wide prohibitions and restrictions are needed to adequately protect resources. Appendix II to this subpart sets forth the geographic coordinates of these areas.

*Exotic species* means a species of plant, invertebrate, fish, amphibian, reptile or mammal whose natural zoogeographic range would not have included the waters of the Atlantic Ocean, Caribbean, or Gulf of Mexico without passive or active introduction to such area through anthropogenic means.

*Fish* means finfish, mollusks, crustaceans, and all forms of marine animal and plant life other than marine mammals and birds.

*Fishing* means: (1) The catching, taking, or harvesting of fish; the attempted catching, taking, or harvesting of fish; any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or any operation at sea in support of, or in preparation for, any activity described in this subparagraph (1).

(2) Such term does not include any scientific research activity which is conducted by a scientific research vessel.

*Hardbottom* means a submerged marine community comprised of organisms attached to exposed solid rock substrate.

Hardbottom is the substrate to which corals may attach but does not include the corals themselves.

*Idle speed only/no-wake* means a speed at which a boat is operated that is no greater than 4 knots or does not produce a wake.

*Idle speed only/no-wake zone* means a portion of the Sanctuary where the speed at which a boat is operated may be no greater than 4 knots or may not produce a wake.

*Length overall (LOA) or length* means, as used in §922.167 with a respect to a vessel, the horizontal distance, rounded to the nearest foot (with 0.5 ft and above rounded upward), between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

*Live rock* means any living marine organism or an assemblage thereof attached to a hard substrate, including dead coral or rock but not individual mollusk shells (e.g., scallops, clams, oysters). Living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to: sea anemones (Phylum Cnidaria: Class Anthozoa: Order Actinaria); sponges (Phylum Porifera); tube worms (Phylum Annelida), including fan worms, feather duster worms, and Christmas tree worms; bryozoans (Phylum Bryozoa); sea squirts (Phylum Chordata); and marine algae, including Mermaid's fan and cups (*Udotea* spp.), coralline algae, green feather, green grape algae (*Caulerpa* spp.) and watercress (*Halimeda* spp.).

*Marine life species* means any species of fish, invertebrate, or plant included in sections (2), (3), or (4) of Rule 46-42.001, Florida Administrative Code, reprinted in Appendix VIII to this subpart.

*Military activity* means an activity conducted by the Department of Defense with or without participation by foreign forces, other than civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers.

*No-access buffer zone* means a portion of the Sanctuary where vessels are prohibited from entering regardless of the method of propulsion.

*No motor zone* means an area of the Sanctuary where the use of internal combustion motors is prohibited. A vessel with an internal combustion motor may access a no motor zone only through the use of a push pole, paddle, sail, electric motor or similar means of operation but is prohibited from using its internal combustion motor.

*Not available for immediate use* means not readily accessible for immediate use, e.g., by being stowed unbaited in a cabin, locker, rod holder, or similar storage area, or by being securely covered and lashed to a deck or bulkhead.

*Officially marked channel* means a channel marked by Federal, State of Florida, or Monroe County officials of competent jurisdiction with navigational aids except for channels marked idle speed only/no wake.

*Personal watercraft* means any jet air-powered watercraft operated by standing, sitting, or kneeling on or behind the vessel, in contrast to a conventional boat, where the operator stands or sits inside the vessel, and that uses an inboard engine to power a water jet pump for propulsion, instead of a propeller as in a conventional boat.

*Prop dredging* means the use of a vessel's propulsion wash

**COAST PILOT 5 (Continued)**

to dredge or otherwise alter the seabed of the Sanctuary. Prop dredging includes, but is not limited to, the use of propulsion wash deflectors or similar means of dredging or otherwise altering the seabed of the Sanctuary. Prop dredging does not include the disturbance to bottom sediments resulting from normal vessel propulsion.

*Prop scarring* means the injury to seagrasses or other immobile organisms attached to the seabed of the Sanctuary caused by operation of a vessel in a manner that allows its propeller or other running gear, or any part thereof, to cause such injury (e.g., cutting seagrass rhizomes). Prop scarring does not include minor disturbances to bottom sediments or seagrass blades resulting from normal vessel propulsion.

*Residential shoreline* means any man-made or natural:

- (1) Shoreline,
- (2) Canal mouth,
- (3) Basin, or
- (4) Cove adjacent to any residential land use district, including improved subdivision, suburban residential or suburban residential limited, sparsely settled, urban residential, and urban residential mobile home under the Monroe County land development regulations.

*Sanctuary* means the Florida Keys National Marine Sanctuary.

*Sanctuary Preservation Area* means an area of the Sanctuary that encompasses a discrete, biologically important area, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, to avoid concentrations of uses that could result in significant declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research. Appendix V to this subpart sets forth the geographic coordinates of these areas.

*Sanctuary wildlife* means any species of fauna, including avifauna, that occupy or utilize the submerged resources of the Sanctuary as nursery areas, feeding grounds, nesting sites, shelter, or other habitat during any portion of their life cycles.

*Seagrass* means any species of marine angiosperms (flowering plants) that inhabit portions of the seabed in the Sanctuary. Those species include, but are not limited to: *Thalassia testudinum* (turtle grass); *Syringodium filiforme* (manatee grass); *Halodule wrightii* (shoal grass); *Halophila decipiens*, *H. engelmannii*, *H. johnsonii*; and *Ruppia maritima*.

*Special-use Area* means an area of the Sanctuary set aside for scientific research and educational purposes, recovery or restoration of Sanctuary resources, monitoring, to prevent use or user conflicts, to facilitate access and use, or to promote public use and understanding of Sanctuary resources. Appendix VI to this part sets forth the geographic coordinates of these areas.

*Stem* means the foremost part of a vessel, consisting of a section of timber or fiberglass, or cast, forged, or rolled metal, to which the sides of the vessel are united at the fore end, with the lower end united to the keel, and with the bowsprit, if one is present, resting on the upper end.

*Stern* means the aftermost part of the vessel.

*Tank vessel* means any vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in

bulk as cargo or cargo residue, and that—

- (1) Is a United States flag vessel;
- (2) Operates on the navigable waters of the United States; or
- (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States [46 U.S.C. 2101].

*Traditional fishing* means those commercial or recreational fishing activities that were customarily conducted within the Sanctuary prior to its designation as identified in the Environmental Impact Statement and Management Plan for this Sanctuary.

*Tropical fish* means any species included in section (2) of Rule 46–42.001, Florida Administrative Code, reproduced in Appendix VIII to this subpart, or any part thereof.

*Vessel* means a watercraft of any description, including, but not limited to, motorized and non-motorized watercraft, personal watercraft, airboats, and float planes while maneuvering on the water, capable of being used as a means of transportation in/on the waters of the Sanctuary. For purposes of this part, the terms “vessel,” “watercraft,” and “boat” have the same meaning.

*Wildlife Management Area* means an area of the Sanctuary established for the management, protection, and preservation of Sanctuary wildlife resources, including such an area established for the protection and preservation of endangered or threatened species or their habitats, within which access is restricted to minimize disturbances to Sanctuary wildlife; to ensure protection and preservation consistent with the Sanctuary designation and other applicable law governing the protection and preservation of wildlife resources in the Sanctuary. Appendix III to this subpart lists these areas and their access restrictions.

(b) Other terms appearing in the regulations in this part are defined at 15 CFR 922.3, and/or in the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended, 33 U.S.C. 1401 et seq. and 16 U.S.C., 1431 et seq.

**§922.163 Prohibited activities—Sanctuary-wide.**

(a) Except as specified in paragraph (b) through (e) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(1) *Mineral and hydrocarbon exploration, development and production.* Exploring for, developing, or producing minerals or hydrocarbons within the Sanctuary.

(2) *Removal of, injury to, or possession of coral or live rock.* (i) Moving, removing, taking, harvesting, damaging, disturbing, breaking, cutting, or otherwise injuring, or possessing (regardless of where taken from) any living or dead coral, or coral formation, or attempting any of these activities, except as permitted under 50 CFR part 638.

(ii) Harvesting, or attempting to harvest, any live rock from the Sanctuary, or possessing (regardless of where taken from) any live rock within the Sanctuary, except as authorized by a permit for the possession or harvest from aquaculture operations in the Exclusive Economic Zone, issued by the National Marine Fisheries Service pursuant to applicable regulations under the appropriate Fishery Management Plan, or as authorized by the applicable State authority of compe-

**COAST PILOT 5 (Continued)**

tent jurisdiction within the Sanctuary for live rock cultured on State submerged lands leased from the State of Florida, pursuant to applicable State law. See §370.027, Florida Statutes and implementing regulations.

(3) *Alteration of, or construction on, the seabed.* Drilling into, dredging, or otherwise altering the seabed of the Sanctuary, or engaging in prop-dredging; or constructing, placing or abandoning any structure, material, or other matter on the seabed of the Sanctuary, except as an incidental result of:

(i) Anchoring vessels in a manner not otherwise prohibited by this part (see §§922.163(a)(5)(ii) and 922.164(d)(1)(v));

(ii) Traditional fishing activities not otherwise prohibited by this part;

(iii) Installation and maintenance of navigational aids by, or pursuant to valid authorization by, any Federal, State, or local authority of competent jurisdiction;

(iv) Harbor maintenance in areas necessarily associated with Federal water resource development projects in existence on March 8, 2001, including maintenance dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters or jetties;

(v) Construction, repair, replacement, or rehabilitation of docks, seawalls, breakwaters, piers, or marinas with less than ten slips authorized by any valid lease, permit, license, approval, or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

(4) *Discharge or deposit of materials or other matter.* (i) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter, except:

(A) Fish, fish parts, chumming materials, or bait used produced incidental to and while conducting a traditional fishing activity in the Sanctuary;

(B) Biodegradable effluent incidental to vessel use and generated by a marine sanitation device approved in accordance with Section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 et seq.;

(C) Water generated by routine vessel operations (e.g., deck wash down and graywater as defined in section 312 of the FWPCA), excluding oily wastes from bilge pumping; or

(D) Cooling water from vessels or engine exhaust;

(ii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except those listed in paragraph (a)(4)(i)(A) through (D) of this section and those authorized under Monroe County land use permits.

(5) *Operation of Vessels.* (i) Operating a vessel in such a manner as to strike or otherwise injure coral, seagrass, or any other immobile organism attached to the seabed, including, but not limited to, operating a vessel in such a manner as to cause prop-scarring.

(ii) Having a vessel anchored on living coral other than hardbottom in water depths less than 50 feet when visibility is such that the seabed can be seen.

(iii) Except in officially marked channels, operating a vessel at a speed greater than 4 knots or in a manner which creates a wake:

(A) Within an area designated idle speed only/no wake;

(B) Within 100 yards of navigational aids indicating

emergent or shallow reefs (international diamond warning symbol);

(C) Within 100 feet of the red and white “divers down” flag (or the blue and white “alpha” flag in Federal waters);

(D) Within 100 yards of residential shorelines; or

(E) Within 100 yards of stationary vessels.

(iv) Operating a vessel in such a manner as to injure or take wading, roosting, or nesting birds or marine mammals.

(v) Operating a vessel in a manner which endangers life, limb, marine resources, or property.

(6) *Conduct of diving/snorkeling without flag.* Diving or snorkeling without flying in a conspicuous manner the red and white “divers down” flag (or the blue and white “alpha” flag in Federal waters).

(7) *Release of exotic species.* Introducing or releasing an exotic species of plant, invertebrate, fish, amphibian, or mammals into the Sanctuary.

(8) *Damage or removal of markers.* Marking, defacing, or damaging in any way or displacing, removing, or tampering with any official signs, notices, or placards, whether temporary or permanent, or with any navigational aids, monuments, stakes, posts, mooring buoys, boundary buoys, trap buoys, or scientific equipment.

(9) *Movement of, removal of, injury to, or possession of Sanctuary historical resources.* Moving, removing, injuring, or possessing, or attempting to move, remove, injure, or possess, a Sanctuary historical resource.

(10) *Take or possession of protected wildlife.* Taking any marine mammal, sea turtle, or seabird in or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA) 16 U.S.C. 703 et seq.

(11) *Possession or use of explosives or electrical charges.* Possessing, or using explosives, except powerheads, or releasing electrical charges within the Sanctuary.

(12) *Harvest or possession of marine life species.* Harvesting, possessing, or landing any marine life species, or part thereof, within the Sanctuary, except in accordance with rules 46-42.001 through 46-42.003, 46-42.0035, and 46-42.004 through 46-42.007, and 46-42.009 of the Florida Administrative Code, reproduced in Appendix VIII to this subpart, and such rules shall apply mutatis mutandis (with necessary editorial changes) to all Federal and State waters within the Sanctuary.

(13) *Interference with law enforcement.* Interfering with, obstructing, delaying or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Acts or any regulation or permit issued under the Acts.

(b) Notwithstanding the prohibitions in this section and in §922.164, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of, a National Marine Sanctuary permit issued pursuant to §922.166.

(c) Notwithstanding the prohibitions in this section and in §922.164, and any access and use restriction imposed pursuant thereto, a person may conduct an activity specifically

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authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of these regulations, or by any valid right of subsistence use or access in existence on the effective date of these regulations, provided that the holder of such authorization or right complies with §922.167 and with any terms and conditions on the exercise of such authorization or right imposed by the Director as a condition of certification as he or she deems reasonably necessary to achieve the purposes for which the Sanctuary was designated.

(d) Notwithstanding the prohibitions in this section and in §922.164, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of these regulations, provided that the applicant complies with §922.168, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities. Amendments, renewals and extensions of authorizations in existence on the effective date of these regulations constitute authorizations issued after the effective date of these regulations.

(e)(1) All military activities shall be carried out in a manner that avoids to the maximum extent practical any adverse impacts on Sanctuary resources and qualities. The prohibitions in paragraph (a) of this section and §922.164 do not apply to existing classes of military activities which were conducted prior to the effective date of these regulations, as identified in the Environmental Impact Statement and Management Plan for the Sanctuary. New military activities in the Sanctuary are allowed and may be exempted from the prohibitions in paragraph (a) of this section and in §922.164 by the Director after consultation between the Director and the Department of Defense pursuant to section 304(d) of the NMSA. When a military activity is modified such that it is likely to destroy, cause the loss of, or injure a Sanctuary resource or quality in a manner significantly greater than was considered in a previous consultation under section 304(d) of the NMSA, or it is likely to destroy, cause the loss of, or injure a Sanctuary resource or quality not previously considered in a previous consultation under section 304(d) of the NMSA, the activity is considered a new activity for purposes of this paragraph. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that avoids to the maximum extent practical any adverse impact on Sanctuary resources and qualities.

(2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to prevent, respond to or mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(f) The prohibitions contained in paragraph (a)(5) of this section do not apply to Federal, State and local officers while performing enforcement duties and/or responding to emer-

gencies that threaten life, property, or the environment in their official capacity.

(g) Notwithstanding paragraph (b) of this section and paragraph (a) of §922.168, in no event may the Director issue a permit under §922.166 authorizing, or otherwise approve, the exploration for, leasing, development, or production of minerals or hydrocarbons within the Sanctuary, the disposal of dredged material within the Sanctuary other than in connection with beach renourishment or Sanctuary restoration projects, or the discharge of untreated or primary treated sewage (except by a certification, pursuant to §922.167, of a valid authorization in existence on the effective date of these regulations), and any purported authorizations issued by other authorities after the effective date of these regulations for any of these activities within the Sanctuary shall be invalid.

**§922.164 Additional activity regulations by Sanctuary area.**

In addition to the prohibitions set forth in §922.163, which apply throughout the Sanctuary, the following regulations apply with respect to activities conducted within the Sanctuary areas described in this section and in Appendix (II) through (VII) to this subpart. Activities located within two or more overlapping Sanctuary areas are concurrently subject to the regulations applicable to each overlapping area.

(a) *Areas To Be Avoided.* Operating a tank vessel or a vessel greater than 50 meters in registered length is prohibited in all areas to be avoided, except if such vessel is a public vessel and its operation is essential for national defense, law enforcement, or responses to emergencies that threaten life, property, or the environment. Appendix VII to this subpart sets forth the geographic coordinates of these areas.

(b) *Existing Management Areas.*—(1) *Key Largo and Looe Key Management Areas.* The following activities are prohibited within the Key Largo and Looe Key Management Areas (also known as the Key Largo and Looe Key National Marine Sanctuaries) described in Appendix II to this subpart:

(i) Removing, taking, damaging, harmfully disturbing, breaking, cutting, spearing or similarly injuring any coral or other marine invertebrate, or any plant, soil, rock, or other material, except commercial taking of spiny lobster and stone crab by trap and recreational taking of spiny lobster by hand or by hand gear which is consistent with these regulations and the applicable regulations implementing the applicable Fishery Management Plan.

(ii) Taking any tropical fish.

(iii) Fishing with wire fish traps, bottom trawls, dredges, fish sleds, or similar vessel-towed or anchored bottom fishing gear or nets.

(iv) Fishing with, carrying or possessing, except while passing through without interruption or for law enforcement purposes: pole spears, air rifles, bows and arrows, slings, Hawaiian slings, rubber powdered arbaletes, pneumatic and spring-loaded guns or similar devices known as spearguns

(2) *Great White Heron and Key West National Wildlife Refuge Management Areas.* Operating a personal watercraft, operating an airboat, or water skiing except within Township 66 South, Range 29 East, Sections 5, 11, 12 and 14; Town-

**COAST PILOT 5 (Continued)**

ship 66 South, Range 28 East, Section 2; Township 67 South, Range 26 East, Sections 16 and 20, all Tallahassee Meridian, are prohibited within the marine portions of the Great White Heron and Key West National Wildlife Refuge Management Areas described in Appendix II to this subpart:

(c) *Wildlife Management Areas.* (1) Marine portions of the Wildlife Management Areas listed in Appendix III to this subpart or portions thereof may be designated “idle speed only/no-wake”, “no-motor” or “no-access buffer” zones or “closed.” The Director, in cooperation with other Federal, State, or local resource management authorities, as appropriate, shall post signs conspicuously, using mounting posts, buoys, or other means according to location and purpose, at appropriate intervals and locations, clearly delineating an area as an “idle speed only/no wake”, a “no- motor”, or a “no-access buffer” zone or as “closed”, and allowing instant, long-range recognition by boaters. Such signs shall display the official logo of the Sanctuary.

(2) The following activities are prohibited within the marine portions of the Wildlife Management Areas listed in Appendix III to this subpart:

(i) In those marine portions of any Wildlife Management Area designated an “ idle speed only/no wake” zone in Appendix III to this subpart, operating a vessel at a speed greater than idle speed only/no wake.

(ii) In those marine portions of any Wildlife Management Area designated a “no-motor” zone in Appendix III to this subpart, using internal combustion motors or engines for any purposes. A vessel with an internal combustion motor or engine may access a “no-motor” zone only through the use of a push pole, paddle, sail, electric motor or similar means of propulsion.

(iii) In those marine portions of any Wildlife Management Area designated a “no-access buffer” zone in Appendix III of this subpart, entering the area by vessel.

(iv) In those marine portions of any Wildlife Management Area designated as closed in Appendix III to this subpart, entering or using the area.

(3) The Director shall coordinate with other Federal, State, or local resource management authorities, as appropriate, in the establishment and enforcement of access restrictions described in paragraph (c)(2) (i)–(iv) of this section in the marine portions of Wildlife Management Areas.

(4) The Director may modify the number and location of access restrictions described in paragraph (c)(2) (i)–(iv) of this section within the marine portions of a Wildlife Management Area if the Director finds that such action is reasonably necessary to minimize disturbances to Sanctuary wildlife, or to ensure protection and preservation of Sanctuary wildlife consistent with the purposes of the Sanctuary designation and other applicable law governing the protection and preservation of wildlife resources in the Sanctuary. The Director will effect such modification by:

(i) Publishing in the **Federal Register**, after notice and an opportunity for public comments in accordance, an amendment to the list of such areas set forth in Appendix III to this subpart, and a notice regarding the time and place where maps depicting the precise locations of such restrictions will be made available for public inspection, and

(ii) Posting official signs delineating such restrictions in

accordance with paragraph (c)(1) of this section.

(d) *Ecological Reserves and Sanctuary Preservation Areas.* (1) The following activities are prohibited within the Ecological Reserves described in Appendix IV to this subpart, and within the Sanctuary Preservation Areas, described in Appendix V to this subpart:

(i) Discharging or depositing any material or other matter except cooling water or engine exhaust.

(ii) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrates, and marine plants may be possessed aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such resources can be shown not to have been harvested within, removed from, or taken within, the Ecological Reserve or Sanctuary Preservation Area, as applicable, by being stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserves or areas.

(iii) Except for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombbrero Reef, and Sand Key SPAs, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area, and no presumption of fishing activity shall be drawn therefrom.

(iv) Touching living or dead coral, including but not limited to, standing on a living or dead coral formation.

(v) Anchoring in the Tortugas Ecological Reserve. In all other Ecological Reserves and Sanctuary Preservation Areas, placing any anchor in a way that allows the anchor or any portion of the anchor apparatus (including the anchor, chain or rope) to touch living or dead coral, or any attached organism. When anchoring dive boats, the first diver down must inspect the anchor to ensure that it is not touching living or dead coral, and will not shift in such a way as to touch such coral or other attached organisms. No further diving shall take place until the anchor is placed in accordance with these requirements.

(vi) Except in the Tortugas Ecological Reserve where mooring buoys must be used, anchoring instead of mooring when a mooring buoy is available or anchoring in other than a designated anchoring area when such areas have been designated and are available.

(vii) Except for passage without interruption though that area, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of this section, violating a temporary access restriction imposed by the Director pursuant to paragraph (d)(2) of this section.

(viii) Except for passage without interruption through the area, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of this section: entering the Tortugas South area of the Tortugas Ecological Reserve; or entering the Tortugas North area of the Tortugas Ecological Reserve without a valid access permit issued pursuant to §922.167 or entering or leaving the Tortugas North area with



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a valid access permit issued pursuant to §922.167 without notifying FKNMS staff at the Dry Tortugas National Park office by telephone or radio no less than 30 minutes and no more than 6 hours, before entering and upon leaving the Tortugas Ecological Reserve.

(ix) Tying a vessel greater than 100 feet (30.48 meters) LOA, or tying more than one vessel (other than vessels carried on board a vessel) if the combined lengths would exceed 100 feet (30.48 meters) LOA, to a mooring buoy or to a vessel tied to a mooring buoy in the Tortugas Ecological Reserve.

(2) The Director may temporarily restrict access to any portion of any Sanctuary Preservation Area or Ecological Reserve if the Director, on the basis of the best available data, information and studies, determines that a concentration of use appears to be causing or contributing to significant degradation of the living resources of the area and that such action is reasonably necessary to allow for recovery of the living resources of such area. The Director will provide for continuous monitoring of the area during the pendency of the restriction. The Director will provide public notice of the restriction by publishing a notice in the **Federal Register**, and by such other means as the Director may deem appropriate. The Director may only restrict access to an area for a period of 60 days, with one additional 60 day renewal. The Director may restrict access to an area for a longer period pursuant to a notice and opportunity for public comment rulemaking under the Administrative Procedure Act. Such restriction will be kept to the minimum amount of area necessary to achieve the purpose thereof.

(e) *Special-use Areas.* (1) The Director may set aside discrete areas of the Sanctuary as Special-use Areas, and, by designation pursuant to this paragraph, impose the access and use restrictions specified in paragraph (e)(3) of this section. Special-use Areas are described in Appendix VI to this subpart, in accordance with the following designations and corresponding objectives:

(i) “*Recovery area*” to provide for the recovery of Sanctuary resources from degradation or other injury attributable to human uses;

(ii) “*Restoration area*” to provide for restoration of degraded or otherwise injured Sanctuary resources;

(iii) “*Research-only area*” to provide for scientific research or education relating to protecting and management through the issuance of a Sanctuary General permit for research pursuant to §922.166; and

(iv) “*Facilitated-use area*” to provide for the prevention of use or user conflicts or the facilitation of access and use, or to promote public use and understanding, of Sanctuary resources through the issuance of special-use permits.

(2) A Special-use Area shall be no larger than the size the Director deems reasonably necessary to accomplish the applicable objective.

(3) Persons conducting activities within any Special-use Area shall comply with the access and use restrictions specified in this paragraph and made applicable to such area by means of its designations as a “recovery area,” “restoration area,” “research-only area,” or “facilitated-use area.” Except for passage without interruption through the area or for law enforcement purposes, no person may enter a Special-use

Area except to conduct or cause to be conducted the following activities:

(i) in such area designated as a “recovery area” or a “restoration area,” habitat manipulation related to restoration of degraded or otherwise injured Sanctuary resources, or activities reasonably necessary to monitor recovery of degraded or otherwise injured Sanctuary resources;

(ii) in such area designated as a “research only area,” scientific research or educational use specifically authorized by and conducted in accordance with the scope, purpose, terms and conditions of a valid National Marine Sanctuary General or Historical Resources permit, or

(iii) in such area designated as a “facilitated-use area,” activities specified by the Director or specifically authorized by and conducted in accordance with the scope, purpose, terms, and conditions of a valid Special-use permit.

(4)(i) The Director may modify the number of, location of, or designations applicable to, Special-use Areas by publishing in the **Federal Register**, after notice and an opportunity for public comment in accordance with the Administration Procedure Act, an amendment to Appendix VI to this subpart, except that, with respect to such areas designated as a “recovery area,” “restoration area,” or “research only area,” the Director may modify the number of, location of, or designation applicable to, such areas by publishing a notice of such action in the **Federal Register** if the Director determines that immediate action is reasonably necessary to:

(A) Prevent significant injury to Sanctuary resources where circumstances create an imminent risk to such resources;

(B) Initiate restoration activity where a delay in time would significantly impair the ability of such restoration activity to succeed;

(C) Initiate research activity where an unforeseen natural event produces an opportunity for scientific research that may be lost if research is not initiated immediately.

(ii) If the Director determines that a notice of modification must be promulgated immediately in accordance with paragraph (e)(4)(i) of this section, the Director will, as part of the same notice, invite public comment and specify that comments will be received for 15 days after the effective date of the notice. As soon as practicable after the end of the comment period, the Director will either rescind, modify or allow the modification to remain unchanged through notice in the **Federal Register**.

(f) Additional Wildlife Management Areas, Ecological Reserves, Sanctuary Preservation Areas, or Special-use Areas, and additional restrictions in such areas, shall not take effect in Florida State waters unless first approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

(g) *Anchoring on Tortugas Bank.* Vessels 50 meters or greater in registered length, are prohibited from anchoring on the Tortugas Bank within the Florida Keys National Marine Sanctuary west of the Dry Tortugas National Park that is outside of the Tortugas Ecological Reserve. The boundary of the area closed to anchoring by vessels 50 meters or greater in registered length is formed by connecting in succession the points at the following coordinates (based on the North American Datum of 1983):

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- (1) 24°32.00'N., 83°00.05'W.
- (2) 24°37.00'N., 83°06.00'W.
- (3) 24°39.00'N., 83°06.00'W.
- (4) 24°39.00'N., 83°00.05'W.
- (5) 24°32.00'N., 83°00.05'W.

**§922.165 Emergency regulations.**

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Emergency regulations shall not take effect in Florida territorial waters until approved by the Governor of the State of Florida. Any temporary regulation may be in effect for up to 60 days, with one 60-day extension. Additional or extended action will require notice and comment rulemaking under the Administrative Procedure Act, notice in local newspapers, notice to Mariners, and press releases.

**§922.166 Permits other than for access to the Tortugas Ecological Reserve-application precedures and issuance criteria.****(a) National Marine Sanctuary General Permit.**

(1) A person may conduct an activity prohibited by §§922.163 or 922.164, other than an activity involving the survey/inventory, research/recovery, or deaccession/transfer of Sanctuary historical resources, if such activity is specifically authorized by, and provided such activity is conducted in accordance with the scope, purpose, terms and conditions of, a National Marine Sanctuary General permit issued under this paragraph (a).

(2) The Director, at his or her discretion, may issue a General permit under this paragraph (a), subject to such terms and conditions as he or she deems appropriate, if the Director finds that the activity will:

- (i) Further research or monitoring related to Sanctuary resources and qualities;
  - (ii) Further the educational value of the Sanctuary;
  - (iii) Further the natural or historical resource value of the Sanctuary;
  - (iv) Further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty;
  - (v) Assist in managing the Sanctuary; or
  - (vi) Otherwise further Sanctuary purposes, including facilitating multiple use of the Sanctuary, to the extent compatible with the primary objective of resource protection.
- (3) The Director shall not issue a General permit under this paragraph (a), unless the Director also finds that:
- (i) The applicant is professionally qualified to conduct and complete the proposed activity;
  - (ii) The applicant has adequate financial resources available to conduct and complete the proposed activity;
  - (iii) The duration of the proposed activity is no longer than necessary to achieve its stated purpose;
  - (iv) The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to the activity's impacts on Sanctuary resources and qualities;
  - (v) The proposed activity will be conducted in a manner

compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any indirect, secondary or cumulative effects of the activity, and the duration of such effects;

(vi) It is necessary to conduct the proposed activity within the Sanctuary to achieve its purposes; and

(vii) The reasonably expected and value of the activity to the furtherance of Sanctuary goals and purposes outweighs any potential adverse impacts on Sanctuary resources and qualities from the conduct of the activity.

(4) For activities proposed to be conducted within any of the areas described in §922.164(b)–(e), the Director shall not issue a permit unless he or she further finds that such activities will further and are consistent with the purposes for which such area was established, as described in §§922.162 and 922.164 and in the management plan for the Sanctuary.

(b) National Marine Sanctuary Survey/Inventory of Historical Resources Permit.

(1) A person may conduct an activity prohibited by §§922.163 or 922.164 involving the survey/inventory of Sanctuary historical resources if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Survey/Inventory of Historical Resources permit issued under this paragraph (b). Such permit is not required if such survey/inventory activity does not involve any activity prohibited by §§922.163 or 922.164. Thus, survey/inventory activities that are non-intrusive, do not include any excavation, removal, or recovery of historical resources, and do not result in destruction of, loss of, or injury to Sanctuary resources or qualities do not require a permit. However, if a survey/inventory activity will involve test excavations or removal of artifacts or materials for evaluative purposes, a Survey/Inventory of Historical Resources permit is required. Regardless of whether a Survey/Inventory permit is required, a person may request such permit. Persons who have demonstrated their professional abilities under a Survey/Inventory permit will be given preference over other persons in consideration of the issuance of a Research/Recovery permit. While a Survey/Inventory permit does not grant any rights with regards to areas subject to pre-existing rights of access which are still valid, once a permit is issued for an area, other survey/inventory permits will not be issued for the same area during the period for which the permit is valid.

(2) The Director, at his or her direction, may issue a Survey/Inventory permit under this paragraph (b), subject to such terms and conditions as he or she deems appropriate, if the Director finds that such activity:

- (i) Satisfies the requirements for a permit issued under paragraph (a)(3) of this section;
- (ii) Either will be non-intrusive, not include any excavation, removal, or recovery of historical resources, and not result in destruction of, loss of, or injury to Sanctuary resources or qualities, or if intrusive, will involve no more than the minimum manual alteration of the seabed and/or the removal of artifacts or other material necessary for evaluative purposes and will cause no significant adverse impacts on Sanctuary resources or qualities; and
- (iii) That such activity will be conducted in accordance

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with all requirements of the Programmatic Agreement for the Management of Submerged Cultural Resources in the Florida Keys National Marine Sanctuary among NOAA, the Advisory Council on Historic Preservation, and the State of Florida (hereinafter SCR Agreement), and that such permit issuance is in accordance with such SCR Agreement.

The SCR Agreement is reproduced in the "Submerged Cultural Resources Action Plan" set forth in Volume 1 of the Florida Keys National Marine Sanctuary Management Plan, dated 1996. Copies of the SCR Agreement may also be examined at, and obtained from, the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 12th floor, Silver Spring, MD 20910; or from the Florida Keys National Marine Sanctuary Office, P.O. Box 500368, Marathon, FL 33050.

(c) National Marine Sanctuary Research/Recovery of Sanctuary Historical Resources Permit.

(1) A person may conduct any activity prohibited by §§922.163 or 922.164 involving the research/recovery of Sanctuary historical resources if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Research/Recovery of Historical Resources permit issued under this paragraph (c).

(2) The Director, at his or her discretion, may issue a Research/Recovery of Historical Resources permit, under this paragraph (c), and subject to such terms and conditions as he or she deems appropriate, if the Director finds that:

(i) Such activity satisfies the requirements for a permit issued under paragraph (a)(3) of this section;

(ii) The recovery of the resource is in the public interest as described in the SCR Agreement;

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(iii) Recovery of the resource is part of research to preserve historic information for public use; and

(iv) Recovery of the resource is necessary or appropriate to protect the resource, preserve historical information, and/or further the policies and purposes of the NMSA and the FKNMSPAK, and that such permit issuance is in accordance with, and that the activity will be conducted in accordance with, all requirements of the SCR Agreement.

(d) National Marine Sanctuary Special-use Permit.

(1) A person may conduct any commercial or concession-type activity prohibited by §§922.163 or 922.164, if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, terms and conditions of, a Special-use permit issued under this paragraph (d). A Special-use permit is required for the deaccession/transfer of Sanctuary historical resources.

(2) The Director, at his or her discretion, may issue a Special-use permit in accordance with this paragraph (d), and subject to such terms and conditions as he or she deems appropriate and the mandatory terms and conditions of section 310 of the NMSA, if the Director finds that issuance of such permit is reasonably necessary to: establish conditions of access to and use of any Sanctuary resource; or promote public use and understanding of any Sanctuary resources. No permit may be issued unless the activity is compatible with

the purposes for which the Sanctuary was designated and can be conducted in a manner that does not destroy, cause the loss of, or injure any Sanctuary resource, and if for the deaccession/transfer of Sanctuary Historical Resources, unless such permit issuance is in accordance with, and that the activity will be conducted in accordance with, all requirements of the SCR Agreement.

(3) The Director may assess and collect fees for the conduct of any activity authorized by a Special-use permit issued pursuant to this paragraph (d). No Special-use permit shall be effective until all assessed fees are paid, unless otherwise provided by the Director by a fee schedule set forth as a permit condition. In assessing fee, the Director shall include:

(i) all costs incurred, or expected to be incurred, in reviewing and processing the permit application, including, but not limited to, costs for:

(A) Number of personnel;

(B) Personnel hours;

(C) Equipment;

(D) Biological assessments;

(E) Copying; and

(F) Overhead directly related to reviewing and processing the permit application;

(ii) all costs incurred, or expected to be incurred, as a direct result of the conduct of the activity for which the Special-use permit is being issued, including, but not limited to:

(A) The cost of monitoring the conduct both during the activity and after the activity is completed in order to assess the impacts to Sanctuary resources and qualities;

(B) The use of an official NOAA observer, including travel and expenses and personnel hours; and

(C) Overhead costs directly related to the permitted activity; and

(iii) an amount which represents the fair market value of the use of the Sanctuary resource and a reasonable return to the United States Government.

(4) Nothing in this paragraph (d) shall be considered to require a person to obtain a permit under this paragraph for the conduct of any fishing activities within the Sanctuary.

(e) *Applications.* (1) Application for permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Superintendent, Florida Keys National Marine Sanctuary, PO Box 500368, Marathon, FL 33050. All applications must include:

(i) A detailed description of the proposed activity including a timetable for completion of the activity and the equipment, personnel and methodology to be employed;

(ii) The qualifications and experience of all personnel;

(iii) The financial resources available to the applicant to conduct and complete the proposed activity;

(iv) A statement as to why it is necessary to conduct the activity within the Sanctuary;

(v) The potential impacts of the activity, if any, on Sanctuary resources and qualities;

(vi) The benefit to be derived from the activity; and

(vii) Such other information as the Director may request depending on the type of activity.

Copies of all other required licenses, permits, approvals, or other authorizations must be attached to the application.

**COAST PILOT 5 (Continued)**

(3) Upon receipt of an application, the Director may request such additional information from the applicant as he or she deems reasonably necessary to act on the application and may seek the views of any persons. The Director may require a site visit as part of the permit evaluation. Unless otherwise specified the information requested must be received by the Director within 30 days of the postmark date of the request. Failure to provide such additional information on a timely basis may be deemed by the Director to constitute abandonment or withdrawal of the permit application.

(f) A permit may be issued for a period not exceeding five years. All permits will be reviewed annually to determine to the permittee's compliance with permit scope, purpose, terms and conditions and progress toward reaching the stated goals and appropriate action taken under paragraph (g) of this section if warranted. A permittee may request permit renewal pursuant to the same procedures for applying for a new permit. Upon the permittee's request for renewal, the Director shall review all reports submitted by the permittee as required by the permit conditions. In order to renew the permit, the Director must find that the:

(1) Activity will continue to further the purposes for which the Sanctuary was designated in accordance with the criteria applicable to the initial issuance of the permit;

(2) permittee has at no time violated the permit, or these regulations; and

(3) the activity has not resulted in any unforeseen adverse impacts to Sanctuary resources or qualities.

(g) The Director may amend, suspend, or revoke a permit for good cause. The Director may deny a permit application, in whole or in part, if it is determined that the permittee or applicant has acted in violation of a previous permit, of these regulations, of the NMSA or FKNMSPA, or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of 15 CFR part 904.

(h) The applicant for or holder of a National Marine Sanctuary permit may appeal the denial, conditioning, amendment, suspension or revocation of the permit in accordance with the procedures set forth in §922.50.

(i) A permit issued pursuant to this section other than a Special-use permit is nontransferable. Special-use permits may be transferred, sold, or assigned with the written approval of the Director. The permittee shall provide the Director with written notice of any proposed transfer, sale, or assignment no less than 30 days prior to its proposed consummation. Transfers, sales, or assignments consummated in violation of this requirement shall be considered a material breach of the Special-use permit, and the permit shall be considered void as of the consummation of any such transfer, sale, or assignment.

(j) The permit or a copy thereof shall be maintained in legible condition on board all vessels or aircraft used in the conduct of the permitted activity and the displayed for inspection upon the request of any authorized officer.

(k) Any permit issued pursuant to this section shall be subject to the following terms and conditions:

(1) All permitted activities shall be conducted in a manner

that does not destroy, cause the loss of, or injure Sanctuary resources or qualities, except to the extent that such may be specifically authorized.

(2) The permittee agrees to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

(3) All necessary Federal, State, and local permits from all agencies with jurisdiction over the proposed activities shall be secured before commencing field operations.

(l) In addition to the terms and conditions listed in paragraph (k) of this section, any permit authorizing the research/recovery of historical resources shall be subject to the following terms and conditions:

(1) a professional archaeologist shall be in charge of planning, field recovery operations, and research analysis.

(2) an agreement with a conservation laboratory shall be in place before field recovery operations are begun, an approved nautical conservator shall be in charge of planning, conducting, and supervising the conservation of any artifacts and other materials recovered.

(3) a curation agreement with a museum or facility for curation, public access and periodic public display, and maintenance of the recovered historical resources shall be in place before commencing field operations (such agreement for the curation and display of recovered historical resources may provide for the release of public artifacts for deaccession/transfer if such deaccession/transfer is consistent with preservation, research, education, or other purposes of the designation of the designation and management of the Sanctuary. Deaccession/transfer of historical resources requires a Special-use permit issued pursuant to paragraph (d) of this section and such deaccession/transfer shall be executed in accordance with the requirements of the SCR Agreement).

(4) The site's archaeological information is fully documented, including measured drawings, site maps drawn to professional standards, and photographic records.

(m) In addition to the terms and conditions listed in paragraph (k) and (l) of this section, any permit issued pursuant to this section is subject to such other terms and conditions, including conditions governing access to, or use of, Sanctuary resources, as the Director deems reasonably necessary or appropriate and in furtherance of the purposes for which the Sanctuary is designated. Such terms and conditions may include, but are not limited to:

(1) Any data or information obtained under the permit shall be made available to the public.

(2) A NOAA official shall be allowed to observe any activity conducted under the permit.

(3) The permittee shall submit one or more reports on the status, progress, or results of any activity authorized by the permit.

(4) The permittee shall submit an annual report to the Director not later than December 31 of each year on activities conducted pursuant to the permit. The report shall describe all activities conducted under the permit and all revenues derived from such activities during the year and/or term of the permit.

(5) The permittee shall purchase and maintain general liability insurance or other acceptable security against potential claims for destruction, loss of, or injury to Sanctuary

**COAST PILOT 5 (Continued)**

resources arising out of the permitted activities. The amount of insurance or security should be commensurate with an estimated value of the Sanctuary resources in the permitted area. A copy of the insurance policy or security instrument shall be submitted to the Director.

**§922.167 Permits for access to the Tortugas Ecological Reserve.**

(a) A person may enter the Tortugas North area of the Tortugas Ecological Reserve other than for passage without interruption through the reserve, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of §922.164, if authorized by a valid access permit issued pursuant to §922.167.

(b)(1) Access permits must be requested at least 72 hours but no longer than one month before the date the permit is desired to be effective. Access permits do not require written applications or the payment of any fee. Permits may be requested via telephone or radio by contacting FKNMS at any of the following numbers:

Key West office: telephone: (305) 292-0311

Marathon office: telephone: (305) 743-2437

(2) The following information must be provided, as applicable:

(i) Vessel name.

(ii) Name, address, and telephone number of owner and operator.

(iii) Name, address, and telephone number of applicant.

(iv) USCG documentation, state license, or registration number.

(v) Home port.

(vi) Length of vessel and propulsion type (i.e., motor or sail).

(vii) Number of divers.

(viii) Requested effective date and duration of permit (2 weeks, maximum).

(c) The Sanctuary Superintendent will issue a permit to the owner or to the owner's representative for the vessel when all applicable information has been provided. The Sanctuary Superintendent will provide a permit number to the applicant and confirm the effective date and duration period of the permit. Written confirmation of permit issuance will be provided upon request.

**§922.168 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.**

(a) A person may conduct an activity prohibited by §§922.163 or 922.164 if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on July 1, 1997, or by any valid right of subsistence use or access in existence on July 1, 1997, provided that:

(1) The holder of such authorization or right notifies the Director, in writing, within 90 days of July 1, 1997, of the existence of such authorization or right and requests certification of such authorization or right; for the area added to the Sanctuary by the boundary expansion for the Tortugas Ecological Reserve, the holder of such authorization or right notifies the Director, in writing, within 90 days of the effective

date of the boundary expansion, of the existence of such authorization or right and requests certification of such authorization or right.

(2) The holder complies with the other provisions of this §922.168; and

(3) The holder complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification, by the Director, to achieve the purposes for which the Sanctuary was designated.

(b) The holder of an authorization or right described in paragraph (a) of this section authorizing an activity prohibited by Secs. 922.163 or 922.164 may conduct the activity without being an violation of applicable provisions of Secs. 922.163 or 922.164, pending final agency action on his or her certification request, provided the holder is in compliance with this §922.168.

(c) Any holder of an authorization or right described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which the authorization has been issued, or the right given, is prohibited by Secs. 922.163 or 922.164, thus requiring certification under this section.

(d) Requests for findings or certifications should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Superintendent, Florida Keys National Marine Sanctuary, P.O. Box 500368, Marathon, FL 33050. A copy of the lease, permit, license, approval, or other authorization must accompany the request.

(e) The Director may request additional information from the certification requester as he or she deems reasonably necessary to condition appropriately the exercise of the certified authorization or right to achieve the purposes for which the Sanctuary was designated. The information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the certification request.

(f) The Director may amend any certification made under this §922.168 whenever additional information becomes available justifying such an amendment.

(g) Upon completion of review of the authorization or right and information received with respect thereto, the Director shall communicate, in writing, any decision on a certification request or any action taken with respect to any certification made under this §922.168, in writing, to both holder of the certified lease, permit, license, approval, other authorization, or right, and the issuing agency, and shall set forth the

reason(s) for the decision or action taken.

(h) Any time limit prescribed in or established under this §922.168 may be extended by the Director for good cause.

(i) The holder may appeal any action conditioning, amending, suspending, or revoking any certification in accordance with the procedures set forth in §922.50.

(j) Any amendment, renewal, or extension made after July 1, 1997, to a lease, permit, license, approval, other authorization or right is subject to the provisions of §922.49.

**Appendix I to Subpart P of Part 922—Florida Keys National Marine Sanctuary Boundary Coordinates**

(Appendix based on North American Datum of 1983)

**COAST PILOT 5 (Continued)**

The boundary of the Florida Keys National Marine Sanctuary—

(a) begins at the northeasternmost point of Biscayne National Park located at approximately 25°39'N., 80°05'W., then runs eastward to the 300-foot isobath located at approximately 25°39'N., 80°04'W.;

(b) then runs southward and connects in succession the points at the following coordinates:

- (i) 25°34'N., 80°04'W.,
- (ii) 25°28'N., 80°05'W., and
- (iii) 25°21'N., 80°07'W.;
- (iv) 25°16'N., 80°08'W.;

(c) then runs southwesterly approximating the 300-foot isobath and connects in succession the points at the following coordinates:

- (i) 25°07'N., 80°13'W.,
- (ii) 24°57'N., 80°21'W.,
- (iii) 24°39'N., 80°52'W.,
- (iv) 24°30'N., 81°23'W.,
- (v) 24°25'N., 81°50'W.,
- (vi) 24°22'N., 82°48'W.,
- (vii) 24°37'N., 83°06'W.,
- (viii) 24°46'N., 83°06'W.,
- (ix) 24°46'N., 82°54'W.,
- (x) 24°44'N., 81°55'W.,
- (xi) 24°51'N., 81°26'W., and
- (xii) 24°55'N., 80°56'W.;

(d) then follows the boundary of Everglades National Park in a southerly then northeasterly direction through Florida Bay, Buttonwood Sound, Tarpon Basin, and Blackwater Sound;

(e) after Division Point, then departs from the boundary of Everglades National Park and follows the western shoreline of Manatee Bay, Barnes Sound, and Card Sound;

(f) then follows the southern boundary of Biscayne National Park to the southeastern most point of Biscayne National Park; and

(g) then follows the eastern boundary of Biscayne National Park to the beginning point specified in paragraph (a).

(2) The shoreward boundary of the Florida Keys National Marine Sanctuary is the mean high-water mark except around the Dry Tortugas where the boundary is coterminous with that of the Dry Tortugas National Park, formed by connecting in succession the point at the following coordinates:

- (a) 24°34'00"N., 82°54'00"W.;
- (b) 24°34'00"N., 82°58'00"W.;
- (c) 24°39'00"N., 82°58'00"W.;
- (d) 24°43'00"N., 82°54'00"W.;
- (e) 24°43'00"N., 82°52'00"W.;
- (f) 24°43'00"N., 82°48'00"W.;
- (g) 24°42'00"N., 82°46'00"W.;
- (h) 24°40'00"N., 82°46'00"W.;
- (i) 24°37'00"N., 82°48'00"W.; and
- (j) 24°34'00"N., 82°54'00"W.

(3) The Florida Keys National Marine Sanctuary also includes the area located within the boundary formed by connecting in succession the points at the following coordinates:

- (a) 24°33'N., 83°09'W.;

- (b) 24°33'N., 83°05'W.;
- (c) 24°18'N., 83°05'W.;
- (d) 24°18'N., 83°09'W.; and
- (e) 24°33'N., 83°09'W.;

**Appendix II to Subpart P of Part 922—Existing Management Areas Boundary Coordinates**

(1) The boundary of each of the Existing Management Areas is formed by connecting in succession the points at the following coordinates:

**National Oceanic and Atmospheric Administration****KEY LARGO-MANAGEMENT AREA**

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°19.45'N.	80°12.00'W.
2	25°16.02'N.	80°08.07'W.
3	25°07.05'N.	80°12.05'W.
4	24°58.03'N.	80°19.08'W.
5	25°02.02'N.	80°25.25'W.
6	25°19.45'N.	80°12.00'W.

**LOOE KEY MANAGEMENT AREA**

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°31.62'N.	81°26.00'W.
2	24°33.57'N.	81°26.00'W.
3	24°34.15'N.	81°23.00'W.
4	24°32.20'N.	81°23.00'W.
5	24°31.62'N.	81°26.00'W.

**United States Fish and Wildlife Services  
Great White Heron National Wildlife Refuge**

[Based on the North American Datum of 1983]

Point	Latitude	Longitude
1	24°43.8'N.	81°48.6'W.
2	24°43.8'N.	81°37.2'W.
3	24°49.2'N.	81°37.2'W.
4	24°49.2'N.	81°19.8'W.
5	24°48.0'N.	81°19.8'W.
6	24°48.0'N.	81°14.4'W.
7	24°49.2'N.	81°14.4'W.
8	24°49.2'N.	81°08.4'W.
9	24°43.8'N.	81°08.4'W.
10	24°43.8'N.	81°14.4'W.
11	24°43.2'N.	81°14.4'W.
12	24°43.2'N.	81°16.2'W.
13	24°42.6'N.	81°16.2'W.
14	24°42.6'N.	81°21.0'W.
15	24°41.4'N.	81°21.0'W.
16	24°41.4'N.	81°22.2'W.
17	24°43.2'N.	81°22.2'W.
18	24°43.2'N.	81°22.8'W.
19	24°43.8'N.	81°22.8'W.
20	24°43.8'N.	81°24.0'W.
21	24°43.2'N.	81°24.0'W.
22	24°43.2'N.	81°26.4'W.
23	24°43.8'N.	81°26.4'W.
24	24°43.8'N.	81°27.0'W.
25	24°43.2'N.	81°27.0'W.
26	24°43.2'N.	81°29.4'W.

**COAST PILOT 5 (Continued)**

27	24°42.6'N.	81°29.4'W.
28	24°42.6'N.	81°30.6'W.
29	24°41.4'N.	81°30.6'W.
30	24°41.4'N.	81°31.2'W.
31	24°40.8'N.	81°31.2'W.
32	24°40.8'N.	81°32.4'W.
33	24°41.4'N.	81°32.4'W.
34	24°41.4'N.	81°34.2'W.
35	24°40.8'N.	81°34.2'W.
36	24°48.0'N.	81°35.4'W.
37	24°39.6'N.	81°35.4'W.
38	24°39.6'N.	81°36.0'W.
39	24°39.0'N.	81°36.0'W.
40	24°39.0'N.	81°37.2'W.
41	24°37.8'N.	81°37.2'W.
42	24°37.8'N.	81°37.8'W.
43	24°37.2'N.	81°37.8'W.
44	24°37.2'N.	81°40.2'W.
45	24°36.0'N.	81°40.2'W.
46	24°36.0'N.	81°40.8'W.
47	24°35.4'N.	81°40.8'W.
48	24°35.4'N.	81°42.0'W.
49	24°36.0'N.	81°42.0'W.
50	24°36.0'N.	81°48.6'W.
51	24°43.8'N.	81°48.6'W.

**KEY WEST NATIONAL WILDLIFE REFUGE**

[Based on the North American Datum of 1983]

Point	Latitude	Longitude
1	24°40.0'N.	81°49.0'W.
2	24°40.0'N.	82°10.0'W.
3	24°27.0'N.	82°10.0'W.
4	24°27.0'N.	81°49.0'W.
5	24°40.0'N.	81°49.0'W.

(2) When differential Global Positioning Systems data becomes available, these coordinates may be published in the **Federal Register** to reflect the increased accuracy of such data.

**Appendix IV to Subpart P of Part 922—  
Ecological Reserves Boundary****Coordinates**

(1) The boundary of the Western Sambo Ecological Reserve is formed by connecting in succession the points at the following coordinates:

**WESTERN SAMBO**

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°33.70'N.	81°40.80'W.
2	24°28.85'N.	81°41.90'W.
3	24°28.50'N.	81°43.70'W.
4	24°33.50'N.	81°43.10'W.
5	24°33.70'N.	81°40.80'W.

(2) The Tortugas Ecological Reserve consists of two discrete areas, Tortugas North and Tortugas South.

(3) The boundary of Tortugas North is formed by connecting in succession the points at the following coordinates:

**TORTUGAS NORTH**

Point	Latitude	Longitude
1	24°46.00'N.	83°06.00'W.
2	24°46.00'N.	82°54.00'W.
3	24°45.80'N.	82°48.00'W.
4	24°43.53'N.	82°48.00'W.
5	24°43.53'N.	82°52.00'W.
6	24°43.00'N.	82°54.00'W.
7	24°39.00'N.	82°58.00'W.
8	24°39.00'N.	83°06.00'W.
9	24°46.00'N.	83°06.00'W.

(4) The boundary of Tortugas South is formed by connecting in succession the points at the following coordinates:

**TORTUGAS SOUTH**

Point	Latitude	Longitude
1	24°33.00'N.	83°09.00'W.
2	24°33.00'N.	83°05.00'W.
3	24°18.00'N.	83°05.00'W.
4	24°18.00'N.	83°09.00'W.
5	24°33.00'N.	83°09.00'W.

**Appendix V to Subpart P of Part 922—Sanctuary Pres-  
ervation Areas Boundary Coordinates**

The boundary of each of the Sanctuary Preservation Areas (SPAs) is formed by connecting in succession the points at the following coordinates:

**ALLIGATOR REEF**

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°50.98'N.	80°36.84'W.
2	24°50.51'N.	80°37.35'W.
3	24°50.81'N.	80°37.63'W.
4	24°51.23'N.	80°37.17'W.
5	24°50.98'N.	80°36.84'W.

Catch and release fishing by trolling only is allowed in this SPA.

**CARYSFORT/SOUTH CARYSFORT REEF**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°13.78'N.	80°12.00'W.
2	25°12.03'N.	80°12.98'W.
3	25°12.24'N.	80°13.77'W.
4	25°14.13'N.	80°12.78'W.
5	25°13.78'N.	80°12.00'W.

**COAST PILOT 5 (Continued)****CHEECA ROCKS**

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°54.42'N.	80°36.91'W.
2	24°54.25'N.	80°36.77'W.
3	24°54.10'N.	80°37.00'W.
4	24°54.22'N.	80°37.15'W.
5	24°54.42'N.	80°36.91'W.

**EASTERN DRY ROCKS**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°27.92'N.	81°50.55'W.
2	24°27.73'N.	81°50.33'W.
3	24°27.47'N.	81°50.80'W.
4	24°27.72'N.	81°50.86'W.
5	24°27.92'N.	81°50.55'W.

**COFFINS PATCH**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°41.47'N.	80°57.68'W.
2	24°41.12'N.	80°57.53'W.
3	24°40.75'N.	80°58.33'W.
4	24°41.06'N.	80°58.48'W.
5	24°41.47'N.	80°57.68'W.

**THE ELBOW**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°08.97'N.	80°15.63'W.
2	25°08.95'N.	80°15.22'W.
3	25°08.18'N.	80°15.64'W.
4	25°08.50'N.	80°16.07'W.
5	25°08.97'N.	80°15.63'W.

**CONCH REEF**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°57.48'N.	80°27.47'W.
2	24°57.34'N.	80°27.26'W.
3	24°56.78'N.	80°27.52'W.
4	24°56.96'N.	80°27.73'W.
5	24°57.48'N.	80°27.47'W.

**FRENCH REEF**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°02.20'N.	80°20.63'W.
2	25°01.81'N.	80°21.02'W.
3	25°02.36'N.	80°21.27'W.
4	25°02.20'N.	80°20.63'W.

Catch and release fishing by trolling only is allowed in this SPA.

**DAVIS REEF**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°55.61'N.	80°30.27'W.
2	24°55.41'N.	80°30.05'W.
3	24°55.11'N.	80°30.35'W.
4	24°55.34'N.	80°30.52'W.
5	24°55.61'N.	80°30.27'W.

**HEN AND CHICKENS**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°56.38'N.	80°32.86'W.
2	24°56.21'N.	80°32.63'W.
3	24°55.86'N.	80°32.95'W.
4	24°56.04'N.	80°33.19'W.
5	24°56.38'N.	80°32.86'W.

**LOOE KEY**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°33.24'N.	81°24.03'W.
2	24°32.70'N.	81°23.85'W.
3	24°32.52'N.	81°24.70'W.
4	24°33.12'N.	81°24.81'W.
5	24°33.24'N.	81°24.03'W.

**DRY DOCKS**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°07.59'N.	80°17.91'W.
2	25°07.41'N.	80°17.70'W.
3	25°07.25'N.	80°17.82'W.
4	25°07.41'N.	80°18.09'W.
5	25°07.59'N.	80°17.91'W.

**MOLASSES REEF**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°01.00'N.	80°22.53'W.
2	25°01.06'N.	80°21.84'W.
3	25°00.29'N.	80°22.70'W.
4	25°00.72'N.	80°22.83'W.
5	25°01.00'N.	80°22.53'W.

**GRECIAN ROCKS**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	25°06.91'N.	80°18.20'W.
2	25°06.67'N.	80°18.06'W.
3	25°06.39'N.	80°18.32'W.
4	25°06.42'N.	80°18.48'W.
5	25°06.81'N.	80°18.44'W.
6	25°06.91'N.	80°18.20'W.



**COAST PILOT 5 (Continued)****NEWFOUND HARBOR KEY**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°37.10'N.	81°23.34'W.
2	24°36.85'N.	81°23.28'W.
3	24°36.74'N.	81°23.80'W.
4	24°37.00'N.	81°23.86'W.
5	24°37.10'N.	81°23.34'W.

**ROCK KEY**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°27.48'N.	81°51.35'W.
2	24°27.30'N.	81°51.15'W.
3	24°27.21'N.	81°51.60'W.
4	24°27.45'N.	81°51.65'W.
5	24°27.48'N.	81°51.35'W.

**SAND KEY**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°27.58'N.	81°52.29'W.
2	24°27.01'N.	81°52.32'W.
3	24°27.02'N.	81°52.95'W.
4	24°27.61'N.	81°52.94'W.
5	24°27.58'N.	81°52.29'W.

Catch and release fishing by trolling only is allowed in this SPA.

**SOMBRERO KEY**

[Based on Differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°37.91'N.	81°06.78'W.
2	24°37.50'N.	81°06.19'W.
3	24°37.25'N.	81°06.89'W.
4	24°37.91'N.	81°06.78'W.

Catch and release fishing by trolling only is allowed in this SPA.

**Appendix VI to Subpart P of 922—Special-Use Areas Boundary****Coordinates and Use Designations**

The boundary of each of the Special-Use Areas is formed by connecting in succession the points at the following coordinates:

**CONCH REEF**

(Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°56.83'N.	80°27.26'W.
2	24°57.10'N.	80°26.93'W.
3	24°56.99'N.	80°27.42'W.
4	24°57.34'N.	80°27.26'W.
5	24°56.83'N.	80°27.26'W.

**EASTERN SAMBO**

(Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°29.84'N.	81°39.59'W.
2	24°29.55'N.	81°39.35'W.
3	24°29.37'N.	81°39.96'W.
4	24°29.77'N.	81°40.03'W.
5	24°29.84'N.	81°39.59'W.

**LOOE KEY**

(Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°34.17'N.	81°23.01'W.
2	24°33.98'N.	81°22.96'W.
3	24°33.84'N.	81°23.60'W.
4	24°34.23'N.	81°23.68'W.
5	24°34.17'N.	81°23.01'W.

**TENNESSEE REEF**

(Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°44.77'N.	80°47.12'W.
2	24°44.57'N.	80°46.98'W.
3	24°44.68'N.	80°46.59'W.
4	24°44.95'N.	80°46.74'W.
5	24°44.77'N.	80°47.12'W.

**Appendix VII to Subpart P of Part 922—Areas To Be Avoided Boundary****Coordinates****IN THE VICINITY OF THE FLORIDA KEYS**

[Reference Charts: United States 11466, 27<sup>th</sup> Edition—September 1, 1990 and United States 11450, 4<sup>th</sup> Edition—August 11, 1990]

**COAST PILOT 5 (Continued)**

Point	Latitude	Longitude
1	25°45.00'N.	80°06.10'W.
2	25°38.70'N.	80°02.70'W.
3	25°22.00'N.	80°03.00'W.
4	25°00.20'N.	80°13.40'W.
5	24°37.90'N.	80°47.30'W.
6	24°29.20'N.	81°17.30'W.
7	24°22.30'N.	81°43.17'W.
8	24°28.00'N.	81°43.17'W.
9	24°28.70'N.	81°43.50'W.
10	24°29.80'N.	81°43.17'W.
11	24°33.10'N.	81°35.15'W.
12	24°33.60'N.	81°26.00'W.
13	24°38.20'N.	81°07.00'W.
14	24°43.20'N.	80°53.20'W.
15	24°46.10'N.	80°46.15'W.
16	24°51.10'N.	80°37.10'W.
17	24°57.50'N.	80°27.50'W.
18	25°09.90'N.	80°16.20'W.
19	25°24.00'N.	80°09.10'W.
20	25°31.50'N.	80°07.00'W.
21	25°39.70'N.	80°06.85'W.
22	25°45.00'N.	80°06.10'W.
23	24°27.95'N.	81°48.65'W.
24	24°23.00'N.	81°53.50'W.
25	24°26.60'N.	81°58.50'W.
26	24°27.75'N.	81°55.70'W.
27	24°29.35'N.	81°53.40'W.
28	24°29.35'N.	81°50.00'W.
29	24°27.95'N.	81°48.65'W.

**AREA SURROUNDING THE MARQUESAS KEYS**

[Reference Chart: United States 11434, 21<sup>st</sup> Edition—  
August 11, 1990]

Point	Latitude	Longitude
30	24°26.60'N.	81°59.55'W.
31	24°23.00'N.	82°03.50'W.
32	24°23.60'N.	82°27.80'W.
33	24°34.50'N.	82°37.50'W.
34	24°43.00'N.	82°26.50'W.
35	24°38.31'N.	81°54.06'W.
36	24°37.91'N.	81°53.40'W.
37	24°36.15'N.	81°51.78'W.
38	24°34.40'N.	81°50.60'W.
39	24°33.44'N.	81°49.73'W.
40	24°31.20'N.	81°52.10'W.
41	24°28.70'N.	81°56.80'W.
42	24°26.60'N.	81°59.55'W.

**AREA SURROUNDING THE DRY TORTUGAS ISLANDS**

[Reference Chart: United States 11434, 21<sup>st</sup> Edition—  
August 11, 1990]

Point	Latitude	Longitude
43	24°32.00'N.	82°53.50'W.
44	24°32.00'N.	83°00.05'W.
45	24°39.70'N.	83°00.05'W.
46	24°45.60'N.	82°54.40'W.
47	24°45.60'N.	82°47.02'W.
48	24°42.80'N.	82°43.90'W.
49	24°39.50'N.	82°43.90'W.
50	24°35.60'N.	82°46.40'W.
51	24°32.00'N.	82°53.50'W.

(CL 99/01; FR 01/17/01; FR 3/23/01)

33/01

**COAST PILOT 5**

**28 Ed 2000**

**Change No. 22**

Page 1—Paragraph 2, line 2; read:

**through U.S. Coast Guard Local Notices to Mariners, or by contacting the NOS internet website address, <http://critcorr.ncd.noaa.gov>. A subscription...**

(44/00 CG5)

33/01

Page 199—Paragraph 331, lines 7 to 12; read:

channel is marked by lights and daybeacons. In September 2000, there was extreme shoaling in the entrance channel to Light 7. Just S of the shoaled entrance channel, an alternate entrance channel is marked from Buoy 2A to Light 7 with a midchannel controlling depth of 5.0 feet. Above Light 7, the controlling depths were 5.2 feet (5.5 feet at midchannel) to the State Route 789 highway bridge, thence 5.6 feet (6.8 feet at midchannel) to the Intracoastal Waterway, thence 7.9 feet to the turning basin with 7.4 to 8.0 feet in the turning basin except for lesser depths...

(CL 1593/00; BPs 172638-46; 47/00 CG7)

33/01

Page 217—Paragraph 269, lines 5 to 8; read:

Intracoastal Waterway. In September 2000, the controlling depth in the entrance channel was 10.0 feet to the bridge over the pass, thence 8.0 feet to Daybeacon 8, thence 5.1 feet (5.7 feet at midchannel) to the intersection with the...

(CL 1567/00; BPs 172526-32)

33/01

**COAST PILOT 7**

**32 Ed 2000**

**Change No. 16  
LAST NM 30/01**

Page 93—Paragraph 1727; read:

(1) From Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 p.m. and 3 p.m. to 6 p.m., except: The draws shall be open at any time for a vessel of 5,000 gross tons and over, a vessel towing a vessel of 5,000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5,000 gross tons and over.

(FR 6/20/01; CL 1168/01)

33/01

Page 94—Paragraph 1756; read:

(2) The draws need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except all Federal holidays but Columbus Day for any vessel of less than 1000 tons, unless the vessel has in tow a vessel of 1000

**COAST PILOT 7 (Continued)**

gross tons or over.

(FR 6/20/01; CL 1168/01) 33/01

Page 185—Paragraph 137, line 1; read:

In August 2000, the midchannel controlling depth was 11.5 ...

(BP 172256) 33/01

Page 185—Paragraph 137, line 6; read:

entrance. In August 2000, a midchannel controlling depth of 10.2 feet was in the...

(BP 172256) 33/01

Page 220—Paragraph 180; strike out.

(CL 240/01) 33/01

Page 220—Paragraph 184, lines 2 to 3; read:

outer turning basin to a private yacht club basin. In June 2000, the reported controlling depth was 10 feet; thence the yacht...

(CL 1320/01) 33/01

Page 220—Paragraph 185, line 2; read:

unprotected, but the holding ground is good for larger vessels in fair weather.

(CL 1320/01) 33/01

Page 220—Paragraph 186, line 12; read:

vessels. Occasionally, when there is a southwesterly wind during an ebb tide, slight breaking seas cross the harbor entrance. (See Weather, West Coast and Hawaii, indexed as such,

(CL 1320/01) 33/01

Page 221—Paragraph 187, line 5 to Paragraph 188, line 2; read:

assignments. Contact the harbormaster on VHF-FM channel 9, 16 or telephone 831-633-2461 for local weather conditions.

**Supplies and Repairs.**—Gasoline, diesel fuel, water, ice, and some marine supplies can be obtained; bilge and sewage pumpout is available; a 70-ton mobile hoist...

(CL 1320/01) 33/01

Page 463—Paragraph 3, lines 6 to 8; read:

**Niuloa Point.** The harbor is fringed by ledges which extend to 0.3 mile offshore on the W and E side. **Taema Bank**, about 2.5 miles long and running parallel to the shore, is about 1.6 miles SE of the harbor entrance and has a depth of 4 fathoms. The bank is marked by a lighted buoy at its SW end. A **342**° lighted range marks the entrance to Pago Pago Harbor and leads between the two principal dangers in the harbor; **Whale Rock** covered 2 fathoms and marked by a lighted buoy on the E side and **Toasa Rock** covered 2 feet and marked by a buoy on the SW side.

Pilotage in Pago Pago is not compulsory, but is advised,...

(NOS 83484; LL/2001; CPM-47/94; CPM-42/94) 33/01